

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAWN L. BROWN,	:	CIVIL ACTION NO. 1:14-CV-201
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al.</i>,	:	
	:	
Defendant	:	

ORDER & JUDGMENT

AND NOW, this 31st day of May, 2017, upon consideration of the report (Doc. 47) of Magistrate Judge Karoline Mehalchick, recommending the court dismiss the above-captioned matter against the sole remaining defendant, Michael Harmon (“Harmon”), upon plaintiff’s notice (Doc. 46) of her intent to withdraw all claims thereagainst, and the court having previously granted summary judgment in favor of all other defendants and deferred entry of judgment in their favor pending disposition of then-extant claims against Harmon, (see Doc. 43), and it appearing that no party objects to Judge Mehalchick’s instant report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc.,

702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in full agreement with Judge Mehalchick’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 47) of Magistrate Judge Mehalchick is ADOPTED.
2. Plaintiff’s correspondence (Doc. 46) requesting withdrawal of her remaining claim against defendant Harmon is CONSTRUED as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2) and is GRANTED as so construed.
3. Plaintiff’s complaint (Doc. 1) is DISMISSED with respect to defendant Harmon.
4. Judgment is ENTERED in favor of all other defendants and against plaintiff as set forth in the court’s order (Doc. 43) dated February 27, 2017.
5. The Clerk of Court is directed to close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania